

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CURTIS RAY HARRIS,

Case No. C17-813 RSM

Plaintiff,

ORDER OF DISMISSAL

V.

DON HARIG, *et al.*,

Defendants.

This matter comes before the Court on Plaintiff Curtis Ray Harris's "Rule 4, Dismissal Without Prejudice." Dkt. #15. Mr. Harris states that he wishes to have this action dismissed without prejudice pursuant to Rule 41(a)(1)(A) and that "[n]o Answer or Motion for Summary Judgement has yet been filed." *Id.*

Mr. Harris is incorrect; an Answer has been filed in this case. *See* Dkt. #9. Accordingly, dismissal may not be obtained under Rule 41(a)(1)(A), which allows for dismissal via notice “before the opposing party serves either an answer or a motion for summary judgment.” However, rule 41 otherwise provides for dismissal at the plaintiff’s request by court order on terms that the court considers proper. Fed. R. Civ. P. 41(a)(2).

1 The Court will interpret Mr. Harris's request under Rule 41(a)(2), and is satisfied that
2 dismissal will not prejudice Defendants, who separately move for dismissal without prejudice.
3

4 *See Dkt. #10 at 3 n.2.*

5 Accordingly, the Court hereby finds and ORDERS:

6 1) Plaintiff's claims are DISMISSED without prejudice. All pending motions are
7 terminated.

8 2) This matter is CLOSED.

9

10 DATED this 29th day of September 2017.

11

12 
13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE

15

16

17

18

19

20

21

22

23

24

25

26

27

28